

CA

Notice of Allowability	Application No.	Applicant(s)	
	09/699,236	SHEERAN, DANIEL	
	Examiner	Art Unit	
	Phirin Sam	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/07/2004.
2. ☒ The allowed claim(s) is/are 1-56.
3. ☒ The drawings filed on 28 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |



**PHIRIN SAM
PRIMARY EXAMINER**

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Regarding amended claim 1 and claims 2-20, prior arts do not disclose a system for dynamically allocating bandwidth between one or more customer services to provide a switched data network for broadcast data comprising a combination of:

- (1) a dynamic bandwidth allocation module to receive customer usage information from the service nodes and determining the bandwidth allocations accordingly and to communicate the bandwidth allocations to the customer service providers.

Regarding amended claim 21 and claims 22-38, the prior arts do not disclose a method for dynamically allocating bandwidth between one or more customer services to provide a switched data network for broadcast data, comprising a combination of:

- (1) allocating the bandwidth of the system to the one or more different customer service providers based on the usage of the services by the customers and the bandwidth requests of each service providers wherein the bandwidth assigned to each service node is dynamically adjusted based at least in part on the usage of the services by the customers of the service node.

Regarding amended claim 39 and claims 40-56, the prior arts not disclose a dynamic bandwidth allocation device, comprising a combination of:

- (1) a dynamic bandwidth allocator that allocates the bandwidth of a system between a plurality of different customer providers to a plurality of service nodes wherein the bandwidth assigned to each customer service provider for each service nodes dynamically adjustable based

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at least in part on the usage of the services by the customers and the bandwidth requests of each service providers;

(2) the dynamic bandwidth allocator further comprising a bandwidth manager that receives bandwidth requests from the service nodes and assigns bandwidth to each of the customer service providers based upon the bandwidth requests from the service nodes and a re-multiplexer module, based on the bandwidth allocation decisions of the bandwidth manager.

Conclusion

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: February 7, 2005

A handwritten signature in black ink, appearing to read 'Phirin', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**